#### REMARKS

Claims 1-12, 15-18, 20-22, and 24-26 are currently pending in the subject application and are presently under consideration. The specification has been amended as shown on page 2 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### I. Objection to Priority Claim

Applicants' claim for domestic priority under 35 U.S.C. §119(e) stands objected to under the incorrect contention that the parent application upon which priority is claimed fails to provide adequate support under 35 U.S.C. §112 for claims 3-4, 11, 13-14, and 19. The Examiner asserts that the features recited in these claims are not mentioned in the originally filed case, not even in the claims. Withdrawal of this objection is requested for at least the following reasons.

Claims 13, 14, and 19 have been cancelled. Applicants' representative submits that the specification in the parent application provides all necessary support for the limitations of the remaining claims. See sections III through V, VII, and VIII below for a detailed discussion supporting this contention.

- B. Also, the Examiner incorrect asserts that applicants were not in possession of the claimed subject matter at the time the parent case was filed because the original application does not have any claims directed to car navigation systems or the like, only the one sentence suggesting it. It is respectfully requested that this objection to the priority claim be withdrawn for the following reasons. The specification in the parent application provides all necessary support for the limitations of the subject claims, and it is not a requirement that the parent application include claims that overlap with progeny cases. Applicants were in possession of the claimed subject matter at the time the parent case was filed. See sections III through V, VII, and VIII below for a detailed discussion supporting this contention.
- C. Also, the Examiner contends the case as filed is not a proper divisional because the claims as originally filed with the divisional were not present or supported in the parent application. Therefore, designating the case as a DIV is improper. The proper status of this case should be a continuation (CON) with the odometer, speedometer, and other similar claims filed as a CIP.

It is respectfully requested that this objection to the priority claim be withdrawn for the following reasons. Per MPEP §201.06, "A later application for an independent or distinct invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in the earlier or parent application, is known as a divisional application or "division." Applicants' representative contends that the specification in the parent application provides all of the necessary support for the limitations recited in the subject claims that are directed to an invention that is different than that claimed in the parent. No new matter has been added contrary to the assertions of the Examiner. As such, the subject application is a properly filed divisional of the parent application. See sections III through V, VII, and VIII below for further discussion supporting this contention. This objection should be withdrawn.

### II. Objection to Specification

- A. Applicants' representative appreciates the Examiner's withdrawal of the objection to the specification based upon 35 U.S.C. §112, sixth paragraph to recite which means are being used to implement the method of claim 24. However, applicants' representative disagrees with the Examiner's contention that the previous examples given of elements, steps, and structures that could correspond to the means serve as an explicit disclaimer of claim scope. The discussion clearly begins with "For example, the limitations..." which is not a limiting statement. As such, applicants' representative does not disclaim any rights to restate, refine, or clarify the elements, steps, and structures that could correspond to the means used to implement the method of claim 24
- B. The title stands objected to because the Office Action asserts that the title is not descriptive of the invention. The title has been amended; therefore this objection should be withdrawn.
- C. The abstract stands objected to because the Office Action asserts that the abstract is not descriptive of the invention. The title has been amended; therefore this objection should be withdrawn.

#### III. Definitions

The term "interval" in claims 13 and 14 is being interpreted by the Examiner as meaning a) a certain speed range of the vehicle or b) a certain distance traveled by the vehicle in a certain

time. Applicants' representative submits that "interval" can also be interpreted as "the interval traveled by a gas pedal from its starting position when force is exerted on the gas pedal by a user." It was well known in the art at the time of the invention that a driver exerting force on a gas pedal will result in the gas pedal moving from its initial position to a new position. The user's movement of the gas pedal controls the speed at which the vehicle travels. Accordingly, this definition is also supported in the specification. (See e.g., page 14, lines 14-20 and page 15, lines 22-23)

The Examiner asserts that applicants are redefining the term "speed" within the specification and therefore is acting as his own lexicographer. On the contrary, the specification clearly uses a common definition of the term "speed" as "rate of movement". The Examiner is incorrectly attempting to limit the definition of the term "speed" by the object to which it is being applied. For example, "speed of the input device" meaning the "rate of movement of the input device", or "speed of navigation" meaning the "rate of movement of content in the navigation display." In both cases, the definition of the term speed is consistent with the common definition "rate of movement" of the object. Therefore, applicants are not redefining the term speed.

#### IV. Rejection of Claims 1-12, 15-18, 20-22, and 24-26 Under 35 U.S.C §112

Claims 1-12, 15-18, 20-22, and 24-26 stand rejected under 35 U.S.C §112, first paragraph, because the specification, while being enabling for displaying a map, does not reasonably provide enablement for a component that receives speed information relating to a movement of a vehicle.

A. The Examiner asserts that the specification never uses the term 'vehicle' outside of the claims, and that there is only one sentence in the entire specification that could reasonably be construed as providing enablement for this embodiment, and that is found on page 16, lines 20-24. As conceded by the Examiner, applicants' representative contends that it was well known in the art at the time of the invention that a "car" is a type of "vehicle." As such, applicants' representative argues that the term "car" as employed in the cited section supports the use of the term "vehicle" in the claims. The Examiner further asserts that the term vehicle is very broad and incorporates watercraft, bicycles, aircraft, and the like which are not required to have the

same equipment as a car. However, applicants' representative contends that the term "vehicle" is used in the subject claims with respect to vehicles that support the limitations of the claims. For example, a vehicle such as a truck that has a speedometer and a navigation system with map display would fall within the claimed invention, as would an aircraft with the appropriate components. For this reason, the term "vehicle" describing vehicles with the components disclosed in the claim limitations is supported by the specification.

B. The Examiner also incorrectly asserts that the specification supports only the definition where speed is defined in terms of an input by the user. Contrary to these assertions, the specification provides all necessary support for the limitations recited in claim 1.

In particular, independent claim 1 recites a navigation system comprising: a display for displaying an area of a map; a component that receives speed information relating to movement of a vehicle; and a navigation component that modifies a scale of the map display area as a function of the speed information. The specification clearly discloses a computer system comprised of minimally an input device, a program, and a display (See e.g., page 21, line 17 – page 22, line 12, Figure 8.) where the program receives an input relating to speed and/or direction of movement of the user directed input device that is used to adjust scale or speed of navigation on the display.

Page 15, lines 21-23 along with the other details of the invention provided in the specification and drawings are fully enabling to those skilled in the art for this embodiment of the invention. Specifically, it was well known in the art at the time of this invention that automobiles contain one or more connected computers and sensors along with an integrated or optionally installed navigation system. It was also well known in the art at the time of the invention that when a user applies force to the gas pedal to drive a vehicle that sensors are initiated that provide speed, tachometer, and odometer readings to the computer. This information is readily available to the navigation system as input. A user applying force to a gas pedal, which is a lever (See e.g., page 3, lines 16-18), is analogous to a user applying force to a joystick or a mouse to initiate sensors in the input device which in turn provides an input to the computer. The navigation system as was well known in the art at the time of the invention is a computer system that can be either be part of the vehicle's computer system or connect to the vehicles computer system, which is supported by the specifications disclosure of operating

environments that include multifunction computer systems or networked computer systems (See e.g., page 6, line 24 – page 10, line 11, Fig 1). The navigation system takes the speed information input and adjusts the scale or speed of navigation on the navigation system display. The specification clearly discloses that content in the display will be adjusted for speed of navigation or scale. (See e.g., page 10, line 20 – page 11, line 21, page 15, lines 20-23). Moreover, the specification identifies that content can include maps. (See, e.g., page 11, line 22 – page 12, line 6) It was well known in the art at the time of the invention that navigation systems include user displays and that they contain maps (See e.g., page 12, lines 12-14 and page 15, lines 20-21).

C. The Examiner further argues that various dependent claims are not enabled for example claims 4, 5 and 11 since there is no mention of a speedometer, odometer, aerial map or topographic map in the specification, or the relationship between speed of a vehicle and the scale of the map per se. Applicants' representative contends that at the time of the invention it was well known in the art that vehicles such as cars, trucks, and buses contain a speedometer and odometer. Moreover, the specification clearly discloses maps, and it was well known at the time of the invention that maps may contain topographical information or aerial views. Furthermore, it was also well known in the art at the time of the invention that road maps may contain topographical information or aerial views. Moreover, the relationship between speed of the vehicle and the scale of the map is supported by the specification as discussed above in section (IV)(B).

The Examiner is reminded that the standard for enablement is that the invention be sufficiently described so that one skilled in the art would be able to practice the claimed invention without undue experimentation. Accordingly, it is clear that there is no requirement to explicitly call out in laundry list fashion features of a claimed item within the specification where such features are inherently present within the item and well known to those skilled in the art let alone lav individuals.

In view of at least the foregoing discussion, applicants' representative respectfully submits that the specification is fully enabling for the limitations recited in claims 1-12, 15-18, 20-22, and 24-26. Accordingly, this rejection should be withdrawn.

#### V. Rejection of Claims 1-12, 15-18, 20-22, and 24-26 Under 35 U.S.C §112

Claims 1-12, 15-18, 20-22, and 24-26 stand rejected under 35 U.S.C §112, first paragraph, as requiring undue experimentation as per *In re Wands*, 858 F.2d 731, 737, 8 USPO2d 1400, 1404 (Fed. Cir. 1988).

- A. Applicants' representative contends that the engineering required to produce the speed information input (speedometer tachometer, and odometer) in a vehicle was well established art at the time of the invention and that the necessary speed input information is readily available in the vehicles computer system. As such, the input data merely needs to be read from memory by the navigation system, as a component of the vehicles computer system or as a networked computer device. The specification fully discloses how a computerized system employs the invention. A navigation system is a type of computer system.
- B. The Office Action attempts to the limit the scope of the invention to document display. However, the specification clearly discloses that embodiments of the invention can include content display of varying forms, including maps. (See. e.g., page 11, line 22 page 12, line 6) Applicants' representative contends that those skilled in the art, in the case of a vehicle navigation system are vehicle navigation system engineers. Vehicle navigation system engineers would be familiar with the vehicle's computer system and navigation system displays.
- C. The Examiner asserts that using the gas pedal as a user interface for controlling the speed and/or scaling of the map (see 15:21-24), while perhaps not being inoperative, is impracticable. The Examiner is reminded that the legal standard for patentability is that the invention be new, useful, and not obvious, which the claimed invention clearly meets there is no legal basis for the Examiner's opinion as to how practical the invention may or may not be as being a standard for patentability.

As discussed supra in section (IV)(B), the use of a gas pedal as the user input device is fully supported by the specification. As to the usefulness of such an input device, the specification clearly discloses that the relationship between speed of display navigation and scale of display are tied by a function which can provide for mitigation of any extreme variation in scaling. See e.g. page 16, line 4 – page 19, line 4). For example, if the speed of the vehicle is tied to the speed of the display navigation, an exponential or logarithmic function can be employed that results in little change of display scale at lower speed and larger scale changes at higher speed.

Accordingly, applicants' representative respectfully submits that the specification is fully enabling for the limitations recited in claims 1-12, 15-18, 20-22, and 24-26 and does not require undue experimentation. Therefore, it is respectfully requested that this rejection should be withdrawn.

## VI. Rejection of Claims 1-12, 15-18, 20-22, and 24-26 Under 35 U.S.C §112

Claims 1-12, 15-18, 20-22, and 24-26 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

- A. Claims 1-12, 15-18, 20-22, and 24-26 stand rejected because the Office Action asserts that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time of the application was filed has possession of the claimed inventions. Applicants' representative asserts that the specification was fully enabling for the claimed invention for all of the reasons discussed in sections (III through V, VII and VIII) of this Reply.
- B. Claims 4-5 stand rejected because there is no mention of a speedometer, odometer, or the like in the specification. As discussed above, applicants' representative contends that at the time of the invention it was well known in the art that vehicles contain a speedometer and odometer, as those devices are legally required on cars.
- C. Claim 11 stands rejected because there is no mention of a topographical map and/or an aerial map. Contrary to assertions in the Office Action, the specification specifically mentions a map. (See e.g., page 12, lines 2) Furthermore, it was also well known in the art at the time of the invention that a map may contain topographical information or aerial views.

For at least the foregoing reasons, withdrawal of this rejection is requested.

#### VII. Rejection of Claims 1-12, 15-18, 20-22, and 24-26 Under 35 U.S.C §112

Claims 1-12, 15-18, 20-22, and 24-26 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that the specification does not support level of text detail being controlled by speed of the vehicle. On the contrary, the specification clearly discloses that documents can have different levels of abstraction that are viewable at different scales. Specifically, different

levels of text detail are disclosed at different scales of document display. Word processing documents and maps are disclosed as examples. (See e.g., page 12, lines 7-14)

#### VIII. Objection to Drawings

The drawings stand objected to because the Office Action asserts that they are not sufficient as they show none of the claimed subject matter. It is respectfully requested that this objection to the drawings be withdrawn for the following reasons. The specification and drawings clearly provide support for the claimed subject matter as discussed supra. For example, the specification clearly discloses a computer system comprised of minimally an input device, a program, and a display (See e.g., page 21, line 17 – page 22, line 12, Figure 8.) where the program receives an input relating to speed and ... that is used to adjust scale or speed of navigation on the display. Accordingly, it is respectfully requested that this objection be withdrawn.

# IX. Rejection of Claims 1, 2, 4, 6, 11, 12, 16-18 and 24-25 Under 35 U.S.C. §103(a)

Claims 1, 2, 4, 6, 11, 12, 16-18 and 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sievers et al. (US 6,163,752), in view of Rosenquist (US 5,864,305) and Delorme et al. (US 5,948,040). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Sievers et al., Rosenquist, and Delorme et al., alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a prima facie case of obviousness. A prima facie case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (expectation of success. Finally, the prior art reference (or to make the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on

applicant's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject invention relates to varying the level of text detail that is displayed on a vehicle navigation system in response to the speed at which the vehicle is traveling. Thus, for example as speed is at a high level, a single word may be displayed that corresponds to a paragraph, and as the speed of the vehicle decreases the entire paragraph can be disclosed. In particular, independent claim 1 (and similarly independent claims 12, and 24) recites that an amount of text detail of the map area displayed to the user is modified as a function of the speed information wherein as speed of the vehicle increases the amount of text detail decreases, and as speed of the vehicle decreases the amount of text detail increases. None of the cited references, alone or in combination teach or suggest such claimed features of applicants' invention. Sievers et al. discloses a navigation system where scale of the displayed map is automatically changed based upon the speed of the vehicle. Contrary to assertions by the Examiner, Sievers et al. also fails to disclose adjusting the level of detail displayed on the map according to the vehicle. The cited art only discloses that as the scale changes, information about a smaller or larger map area is displayed, not that the level of detail is adjusted. In addition, as conceded by the Examiner, Sievers et al. fails to teach or suggest that the level of text detail is adjusted based upon the speed of the vehicle. Rosenquist discloses a traffic information system that has user defined levels of information that can be displayed. However, the levels are displayed based upon manual user selection by pressing a button a display and comprise three disclosed levels. The levels are not adjusted automatically based upon vehicle speed. The user must press a button to change information levels. The three levels comprise a first level containing symbols representing traffic conditions, a second level containing traffic signs and a third level containing text alerts. Contrary to assertions by the Examiner, the symbols and signs are not text. They are graphical icons, not font images. The cited art also clearly discloses that the text information level is only displayable when the vehicle is stopped. Therefore, Rosenquist also fails to disclose adjusting the level of text detail based upon speed of the vehicle. Delorme et al. discloses a navigation system that is capable zooming maps to different scales with different levels of detail that can include ordinary language geographic locations. However, Delorme et al. fails to disclose under what conditions the adjustment of scale and level of detail

would occur. Specifically, the cited art does not tie the adjustment of level of detail to speed of the vehicle. Moreover, when Sievers et al., Rosenquist. and Delorme et al. are combined there is no teaching that as speed of the vehicle increases the amount of text detail decreases, and as speed of the vehicle decreases the amount of text detail increases.

Accordingly, applicants' representative respectfully submits that Sievers et al.,

Rosenquist. and Delorme et al., alone or in combination, fail to teach or suggest all limitations of
applicants' invention as recited in independent claims 1, 12 and 24 (and claims 2, 4, 6, 11, 16-18
and 25 that depend there from) and thus fails to make obvious the subject claimed invention. For
this reason, this rejection should be withdrawn.

#### X. Rejection of Claim 3 Under 35 U.S.C. §103(a)

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sievers *et al.*, in view of Rosenquist, Delorme *et al.*, and Sanderson *et al.* (US 6,279,906). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Sievers *et al.*, Rosenquist. Delorme *et al.* and Sanderson *et al.*, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claim 3 depends from independent claim 1. As noted *supra*, Sievers *et al*. Rosenquist and Delorme *et al*. do not teach or suggest each and every element of the subject invention as recited in these independent claims and Sanderson *et al*. fails to make up for the deficiencies of Sievers *et al*. Rosenquist and Delorme *et al*. with regard to this independent claim. Sanderson *et al*. discloses a video game controller that is capable of being interfaced to a variety of video gaming systems. However, the cited art is silent regarding varying a level of displayed text detail based upon vehicle speed. Therefore, Sievers *et al*., Rosenquist. Delorme *et al*. and Sanderson *et al*., alone or in combination, do not teach or suggest that *as speed of the vehicle increases the amount of text detail decreases, and as speed of the vehicle decreases the amount of text detail increases.* For this reason, this rejection should be withdrawn.

#### XI. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sievers et al., in view of Rosenquist, Delorme et al., and Pelin (US 3,618,240). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Sievers et

al., Rosenquist. Delorme et al. and Pelin, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claim 4 depends from independent claim 1. As noted *supra*, Sievers *et al*. Rosenquist and Delorme *et al*. do not teach or suggest each and every element of the subject invention as recited in these independent claims and Pelin fails to make up for the deficiencies of Sievers *et al*. Rosenquist and Delorme *et al*. with regard to this independent claim. Pelin discloses mechanical navigation system that conatins a paper route map with different map scales in different sections of the route. The system then varies the movement of the paper route map through a display window at various speeds based upon the speed of the vehicle and the scale of the map section. However, the cited art is silent regarding varying a level of displayed text detail based upon vehicle speed. Therefore, Sievers *et al*., Rosenquist. Delorme *et al*. and Pelin, alone or in combination, do not teach or suggest that *as speed of the vehicle increases the amount of text detail decreases, and as speed of the vehicle decreases the amount of text detail increases.* In view of the foregoing, this rejection should be withdrawn.

#### XI. Rejection of Claim 5 Under 35 U.S.C. §103(a)

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sievers et al., in view of Rosenquist, Delorme et al., and Nimura (US 5,884,218). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Sievers et al., Rosenquist. Delorme et al. and Nimura, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claim 4 depends from independent claim 1. As noted *supra*, Sievers *et al*. Rosenquist and Delorme *et al*. do not teach or suggest each and every element of the subject invention as recited in these independent claims and Nimura fails to make up for the deficiencies of Sievers *et al*. Rosenquist and Delorme *et al*. with regard to this independent claim. Nimura discloses navigation system that two maps a road map and a house map. The house map contains images of buildings along with the roads. The system displays the road map when the vehicle if far from the destinations, but then displays the house map when the vehicle approaches the destination to allow the driver to recognize buildings. However, the cited art is silent regarding varying a level of displayed text detail based upon vehicle speed. Therefore, Sievers *et al*., Rosenquist Delorme *et al*. and Nimura, alone or in combination, do not teach or suggest that *as speed of the vehicle* 

increases the amount of text detail decreases, and as speed of the vehicle decreases the amount of text detail increases. Accordingly, this rejection should be withdrawn.

### XII. Rejection of Claim 7, 9, 10, 15, 20, 21 and 26 Under 35 U.S.C. §103(a)

Claim 7, 9, 10, 15, 20, 21 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sievers *et al.*, in view of Rosenquist, Delorme *et al.*, and Boyer (US 6,445,397). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Sievers *et al.*, Rosenquist, Delorme *et al.* and Boyer, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claim 7, 9, 10, 15, 20, 21 and 26 depend from independent claims 1, 12 and 24. As noted supra, Sievers et al. Rosenquist and Delorme et al. do not teach or suggest each and every element of the subject invention as recited in these independent claims and Boyer fails to make up for the deficiencies of Sievers et al. Rosenquist and Delorme et al. with regard to these independent claims. Boyer discloses navigation system that adjustes a map display based upon vehicle position and adjusts map scale based upon vehicle speed. However, the cited art is silent regarding varying a level of displayed text detail at different scales based upon vehicle speed. Therefore, Sievers et al., Rosenquist. Delorme et al. and Boyer, alone or in combination, do not teach or suggest that as speed of the vehicle increases the amount of text detail decreases, and as speed of the vehicle decreases the amount of text detail increases. Thus, this rejection should be withdrawn

#### XIII. Rejection of Claim 8 nd 22 Under 35 U.S.C. §103(a)

Claims 8 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sievers et al., in view of Rosenquist, Delorme et al., Boyer, and Carpendale (Carpendale, M.S.T. "A Framework for Elastic Presentation Space"). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Sievers et al., Rosenquist. Delorme et al., Boyer and Carpendale, alone or in combination, do not teach each and every element of applicants' invention as recited in the subject claims.

Claims 8 and 22 depend from independent claims 1 and 12. As noted *supra*, Sievers *et al.* Rosenquist, Delorme *et al.*, and Boyer do not teach or suggest each and every element of the subject invention as recited in these independent claims and Carpendale fails to make up for the

deficiencies of Sievers et al. Rosenquist, Delorme et al., and Boyer with regard to these independent claims. Carpendale discloses a method for elastic presentation spaces on computer displays. However, the cited art is silent regarding navigation systems, vehicle speeds, and varying a level of displayed text detail at different scales based upon vehicle speed. Therefore, Sievers et al., Rosenquist. Delorme et al. and Boyer, alone or in combination, do not teach or suggest that as speed of the vehicle increases the amount of text detail decreases, and as speed of the vehicle decreases the amount of text detail increases. Thus, this rejection should be withdrawn.

#### CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP276USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
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